

FEB 08 2008

Docket No. 392.1867

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kentaro FUJIBAYASHI et al.

Serial No.: 10/772,297

Filed: February 6, 2004

Group Art Unit: 2121

Examiner: Chang, Sunray

For: POSITION CONTROL DEVICE

TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(B)

Assistant Commissioner for  
Patents  
Washington, D.C. 20231

Sir:

Petitioner, FANUC, LTD, is the owner of one hundred percent interest in the instant application by virtue of an Assignment recorded on February 6, 2004, at Reel 014966, Frame 0595. Petitioner has reviewed the evidentiary Assignment documents, and to the best of the undersigned's knowledge and belief, the title is in the name of FANUC, LTD., as specified previously. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,897,626, filed December 16, 2003. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,897,626 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of prior U.S. Patent No. 6,897,626, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these

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statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**FEE**

The requisite disclaimer fee under 37 C.F.R. § 1.20(d) of \$130.00 was previously paid on October 22, 2007. However, if there any additional fees associated with the filing of this Terminal Disclaimer, please charge the same to our Deposit Account No. 19-3935

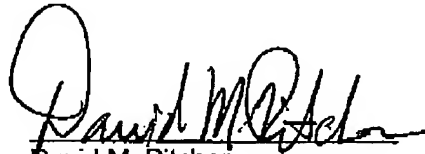
The undersigned is an attorney of record.

Respectfully submitted,

STAAS & HALSEY LLP

Date:

February 8, 2008

  
David M. Pitcher  
Registration No. 25,908

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this correspondence is being trans-  
mitted via facsimile to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450  
on 2-8, 2008  
By: E. Hensen  
Date: Feb. 8, 2008